

Def Sy 5/3/2

23 March 2011

MINUTES OF THE MOD POLICE COMMITTEE
TUES 15 MARCH 2011

Members

David Riddle	Independent	Chair
Sir Keith Povey	Police Adviser (England & Wales)	
Andrew Brown	Police Adviser (Scotland)	
Dr Marie Dickie	Independent Member	
Caroline Mitchell	Independent Member	
Dr Parvaiz Ali	Independent Member	
Susan Scholefield	Director General Human Resources & Corporate Services & Agency Owner	
Mark Preston	Director Business Resilience	
Karen Feather	Clerk to MOD Police Committee	Secretary

In attendance

Mr Steve Love	Chief Constable, MDP
Mr Gerry McAuley	DCC, MDP
Mr Robert Chidley	ACC Operational Support
Mr Dave Allard	ACC Divisional Operations
T/Ch Supt Dave Long	Head of Agency Business Services, MDPGA
Mr Justin Oliver	Head of Finance
Eamon Keating	Chair, Defence Police Federation
Mr David Reynolds	DefSy-Hd
Mr Richard Clancy	DefSy-Physical Security & Policing Policy Assistant Head
Supt Dave Pawley	DefSy-Policing Pol 2
Mrs Dawn Wiggins	APS/DGHRCS
Richard Kearns	Asst Clerk to MOD Police Committee

Apologies

Mr John Bligh	ACC Professional Development
Mr David King	Agency Secretary

Chair's Opening Remarks

1. On opening the meeting the Chair congratulated the Chief Constable on the award of the Queen's Police Medal in the New Year's Honours. He also passed on the Committee's congratulations to Sandy MacCormick, the Agency's Head of Profession for the MOD Guard Service, who had received the OBE.
2. The Chair had written to introduce himself to Jon Day last month, following his appointment as the Second Permanent Secretary. As a result he had been invited to meet him on 1 April to explain more about the Police Committee's role and work. He would feed the outcome back to the next meeting. **Action: Chair**
3. The Chair thanked Sir Keith Povey for representing him at the recent MDPGA OAB on 23 Feb 11.

4. Susan Scholefield had an urgent meeting with 2nd PUS and expected to join the meeting at 1500. The Chair said that on account of this he would postpone Agenda Item 4 Review Updates until her arrival.

Agenda Item 1: Minutes of the last meeting

5. The minutes of the last meeting (Def Sy 5/2/3 dated 1 Dec 10) were approved. All actions had been taken, were in hand or were due to be discussed during this meeting.

Agenda Item 2: Chief Constable's Report

Key Management Developments

6. Mr Love reported that the Agency was currently 11% under strength. This included a shortfall of 290 officers which continued to be very unevenly distributed between stations.

7. The Voluntary Early Release Scheme had now been announced with applications required by 31 March 11.

8. Mr Love had given a short presentation to the independent members of the Committee before the main meeting. The emphasis was on the Agency's Critical Path which constituted a major programme of work that was to be co-ordinated by the CE, DBR and DCTLB. The Chair asked about the timescale for this work. Mr Love explained it was difficult to be precise, since some of the projects were outside the Agency's control but he envisaged the work continuing throughout 2011. The main stakeholders met every fortnight to track progress.

9. The AMB had now identified a future HQ, command and support structure, but this was now subject to further scrutiny by the Centre TLB to find possible further savings. This work was being led by Louise Tulett and included support from HMIC. Dr Ali asked whether the future Territorial Division would be responsible for all the force's non-nuclear business, including the CNI tasks. Mr Love confirmed this, but explained that the Territorial Division would need to deliver some of the nuclear surge capability.

10. Mr Love was very concerned about the current state of the staff relations across the Agency because of all the present uncertainty while the outcome of PR11, Defence Reform and the VERS were awaited.

11. Mr Love reported that the DPF had registered a formal disagreement following consultation about the MOD's Restoring Efficiency procedures. This remained unresolved.

12. Random Drugs and Alcohol testing had now begun and will be routinely reported under the PSD agenda item for future meetings. The CC had given the DPF an assurance that their agreement to the testing regime did not take testing outside the TACOS negotiations that were ongoing.

Operational Report

13. Mr McAuley spoke about some of the protestor activity that MDP had dealt recently, highlighting examples at Devonport and Whitehall. He also provided some examples of the good work of the Defence Community Police Officers and then briefly outlined a selection of crime cases. Sir Keith Povey congratulated CID offices for some excellent results, but noted that over the period of this report some £10M of crime and fraud had

been highlighted against the MoD, many of which related to issues with processes and procedures. Mr McAuley said that the new MOD Head of Internal Audit, who was a member of the Defence Crime Board, was fully engaged and wanted to bring MDP's investigations and reports into MOD's assurance framework. Mr Love suggested that he might provide an interesting input for a future Police Committee meeting. Mark Preston wanted the Committee to understand that the Head of MOD's DIA had no regulatory powers. Notwithstanding this the Chair thought that it might be useful for him to attend a future meeting. **Action: Clerk**

14. Andrew Brown thanked the Chief Constable for sending him the minutes of the second Defence Crime Board meeting, which he had been unable to attend. He had noted that many of the members had been represented and hoped that the role of the Board would not start to diminish as a consequence.

15. Dr Ali noted that the MDP was participating in defining a cyber crime strategy for the UK and asked whether there were opportunities to learn from and share best practice with other countries. Mr Love explained that this work was an area of growth. Policy development was being led by the Cabinet Office and the government's programme was due to be published soon. He anticipated there would be a role for the MDP and therefore was maintaining links with both DBR, and the Chief Information Officer in MOD in order to keep track of developments.

16. The Committee was informed about a contractor arrested at AWE following a routine document check. Mr McAuley outlined the tight controls that were in place at the establishment and was able to confirm that the individual had not had access to any sensitive areas. However, it was noted that intelligence and enforcement operations on the Defence estate had reduced due to resources being required for other priorities in the current climate.

17. Although not covered in the Chief Constable's Report for the previous quarter, the Chair asked about the incident whereby the force almost lost its entire Airwave communications. Mr McAuley explained that due to limitations imposed on IT expenditure across Government, a revised approvals process had been introduced which added some complexity to the agreed decision to procure the radio sets rather than hire them. The lapsing of airtime contracts was a further complicating factor which led to a risk that the necessary approvals would not emerge in time, with the potential for loss of Airwave Communications. This, however was avoided with the support of DCTLB and others.

Standards and compliance

18. Mr Chidley outlined the three recommendations and actions arising from the annual visit of the Surveillance Commissioner in Aug 10. The Chair asked whether any of the issues referred to in the first recommendation were serious in nature. Mr McAuley confirmed they were process related rather than substantive. Mr Chidley explained that the Commissioner's second recommendation had led to work being moved to a dedicated source at Wethersfield which had previously been on hold due to PR11 funding constraints. The third recommendation had been a national issue across forces. Mr Love confirmed that he had recently reviewed the actions taken with Mr Chidley and was satisfied that the recommendations were complete.

Use of Force

19. It was agreed that the Committee would be provided with explanation in the Operational Report on occasions where firearms were drawn. Mr McAuley stated that the figures relating to the drawing of firearms (2) and taser (2) indicated in the statistics were the same as reported to the Committee's November meeting. For future meetings it would be helpful to show the number for the quarter (with a short narrative) and the in-year total.

Action: ACC PD

Attendance Management

20. Mr Love reported that the absence levels continued to cause concern, although there had been a slight dip following the publication of the Tiger Team's report (from 14.73 average sick days in Dec 10 to 14.53 in Jan 11). A more effective intervention method for officers on long term sick was needed.

Agenda Item 3: MDPGA 3rd Quarter Performance

21. Mr Love explained that the targets which were reported as a serious deviation were those that were not in the Agency's control. Nonetheless the Chair congratulated all staff on managing to achieve 5 out of 11 of the Key Targets for 10/11 given the considerable challenges the Agency had faced over this year.

Agenda Item 5: MOD Police Committee Work Plan

State of the Force visits

22. Reports on each of the visits had been sent to DCC and ACC DO for action and information as appropriate. **Action: DCC/ACC DO**

23. The overall State of the Force visit report that was presented at the meeting captured issues of commonality that the independent members felt were being experienced across the force. It highlighted that resilience was being severely tested at some stations, morale was being eroded through rumour and uncertainty, there were mismatches of resources to tasking, there was a requirement for the risk ownership to be addressed, and the SPO were challenged in meeting the increased level of mandatory training because of vacancies at their stations.

24. Dr Ali thought it was important to highlight the level of disquiet that was being experienced around the force and had been visible during his visit to Devonport.

25. Marie Dickie who had visited London District DCPOs, underlined their dependence on cover from the Divisional Support Groups given their wide and unique area of policing. The DCPOs were clearly highly valued by their Land Forces customers but she was unsure if this had been reflected in MDP's proposed future footprint and this might be regretted further down the line. Mr Love said the "due diligence" process in the critical footpath would identify that. Mr McAuley confirmed that the force placed a very high value on DCPOs and hoped that they would continue to have a robust role in the future force, while acknowledging that the numbers may be smaller. The Chair recognised that the DCPOs performed a core policing role; in addition to welfare support and re-assurance for service families, they also made a significant impact on crime and anti-social behaviour in the neighbourhoods.

26. Mark Preston said that there had been military support for DCPOs to be retained following discussion of the PR11 options at the Defence Operating Board. Marie Dickie was encouraged to hear that in order that the support provided by DCPOs did not fall to other areas of Defence along with associated costs. The Chair agreed to provide some specific DCPO related issues to the Committee's State of the Force visit report. **Action: Chair**

[Susan Scholefield joined the meeting]

27. The Chair said that a common theme from all the Committee visits was MDP officers being told by service colleagues about PR11 options that might affect complementing at their stations. At the same time, the Agency Management Board were unable to confirm the facts since the PR11 option decisions were still awaited from the Defence Board. He asked Mark Preston when he expected that the Chief Constable would have a clear decision.

28. Mark Preston explained that the Defence Board had not yet indicated that it wanted to take all the PR11 measures. Some of them would need to be developed fully and submitted for Ministerial approval in order to determine whether there is political appetite for the savings, or if they should be found elsewhere. Some policies may require a site by site analysis, and then there would then need to be consultation on the policy before implementation. Given the department was entering a purdah period before the devolved assembly elections he expected a decision from the Defence Board would not be forthcoming until May. He said that he fully understood the Chief Constable's difficulties but a partial announcement would risk a leak which the Defence Secretary wanted to prevent, but he agreed to use his best endeavours to push for a decision on the policing and guarding options. **Action: DBR**

29. The Chair said he would use the Committee's report as the basis for his address to the SPO's conference next week and in his forthcoming discussions with 2nd PUS. Mr Love offered his thanks to the independent members for visiting the various stations and providing their assessment.

MDP's use of CCTV

30. This assurance work was to confirm that MDP's use of CCTV was appropriate and proportionate, and that evidence or records arising from CCTV were properly handled and compliant with the Data Protection Act 1998.

31. Caroline Mitchell outlined the Committee's approach to this assurance work she had conducted with Marie Dickie. The Committee had identified a few areas which needed to be tightened, but were satisfied overall with the level of compliance. Thanks were extended to all those who assisted, with particular mention of Ron Harney, the Agency's Data Protection Officer. Mr Love was grateful for the Committee's assurance.

Restricted Duties

32. In Sep 10 the Committee had received an update from ACC PD outlining work around Restricted Duties and posts which required Reasonable Adjustments. The Committee had welcomed the ongoing work and proposed recommendations, and asked to be updated in 6 months.

33. In the light of the planning round constraints, the work had been suspended by the Chief Constable in Dec 10. Mr Love said the number of Reasonable Adjustment posts were limited and would diminish further as the force footprint moves to a focus on armed and operational posts. This issue was not addressed by either Winsor or Woolley, or by the MDP Performance regulations and MOD Policy Rules and Guidance, however the Equality Act required reasonable adjustment posts to be considered. He was consulting DCP to establish a clear policy, but recognised this work increasing in priority.

34. Andrew Brown emphasised the importance of this work especially in the current climate. Sir Keith recognised that long term sickness impacted significantly on the MDP's attendance figures and though that the force's work should also address this. Susan Scholefield agreed that the force's overall strategy needed to consider an approach to fitness and how to deal with those that are unable to meet the standard.

35. The Chair noted that the force needed to be capable of deploying the maximum number of its officers if needed. Andrew Brown noted that the requirement for MDP to cover MGS absence was also impacting on its ability to deliver against its vision and targets and a wider discussion on capability was also needed. The Chair asked Andrew Brown to engage with ACC PD to discuss requirements for a paper with more detail and measures to come to the Committee for consideration at its September meeting. **Action: Andrew Brown/ACC PD**

Public Order

36. Mr Chidley updated the Committee on the force's Action Plan. Some recommendations (1-3 and 11f) could not be taken forward until the new Statement of Requirement for MDP is confirmed. Recommendation 4 was partially completed and Recommendations 5-9 were completed or in progress. An important NPIA visit had been delayed which was vital to further work. The recommendations which related to Intelligence were on track. The approach would be for MDP to work alongside and be embedded into the national structure, including the CTU.

37. HMIC had asked the Police Committee to oversee their recommendations. Andrew Brown therefore welcomed the progress to date, and the approach on intelligence, which he supported. He suggested that the Police Committee should be briefed on the benefits as a result of this at a later meeting. Sir Keith Povey noted there was still a lot of work to be done and said that the onus was on the Police Committee to monitor this carefully and ensure it remains on track. The Chair agreed and said a progress report **by exception** should be given at each meeting. He also recommended that the Committee work programme for 11/12 should include Public Order for clarity on the progress of the HMIC recommendations which would contribute to their assurance to Ministers. **Action: ACC OS**

Firearms

38. Following a report to the OAB last November, the Police Committee Chair had noted that the training programme for Silver and Bronze commanders had slipped by a year. The shortage of Bronze Commanders had also been raised at some of the stations recently visited by the independent members.

39. Mr Allard explained that pre-course training and a work book had recently been introduced to try to improve the success rate for Bronze Commanders. Priority was now

being given to officers from Level 1, CNI and repayment stations. There were currently 240 qualified Bronze Commanders across the force.

40. The Chair asked whether this would affect CNC interoperability and if there was potential for mutual support. Mr Love confirmed it would and the work on interoperability would consider scenarios for UK police responses. He expected that this would point towards joint training and a cadre of officers that were familiar with each patch. The Chair regarded this as high priority. He asked for a report to be provided for the September meeting identifying the number of Bronze Commanders required, the number qualified the size of the gap with an action plan indicating how this would be progressed. **Action: ACC PD**

Agenda Item 4: Update on Reviews

HQ Review

41. Mr Love had covered this during Agenda Item 2. The Agency had identified savings of 35% (approx £17m) during its review of the current HQ function and divisional structures. However, Susan Scholefield added that a second review had been commissioned in order to identify further savings of up to £10m from the CTLB risk owner, but balanced with a professional view from HMIC. Emerging findings were expected by the end of March and a final report in May. The Chair said he had written to Louise Tulett to make contact as it was important that the Police Committee were engaged in the process.

PR11 options

42. This had also been covered during Agenda Item 2. The Chair said that if the Defence Board had reached a decision on the policing and guarding options in May, it would be helpful for the Committee to have sight of them. Mark Preston offered to give a formal presentation at the Away Day and this was accepted. **Action: DBR**

Winsor Review

43. The Winsor Report had been published on 8 March and recommended a fundamental reform of the pay system. It proposed significant changes such as the abolition of Competence Related Threshold Payments, Special Priority payments, senior officers' bonuses and a freeze on increments, but proposed some new allowances. The Committee asked how the issues which affect MDP would be taken forward.

44. Susan Scholefield explained that Martin Fuller was keeping track of developments, however since the Winsor report was now subject to consideration by the Police Negotiating Board, we should await the outcome and then re-engage on the MDP's Terms and Conditions of Service Review once we knew the way ahead from the Home Office. She was also aware that the CNC had decided to break their link with the HDPF pay system. That would need to be taken into account, as would the Hutton report on pensions. Winsor's second report is due to be published in June that will address the reform of the pay negotiating structure.

45. Mr Keating asked if she would write formally to confirm that MDP's current terms and conditions of service would apply. Susan Scholefield confirmed this would be the case until further notice.

46. The Chair thanked her and said the Committee would await further developments.

MDP/CNC interoperability Review

47. Richard Clancy said that as a result of the work being led by the Home Office on infrastructure protection, the MOD and DECC had recently agreed to undertake a joint review to explore the potential for achieving greater interoperability between the MDP and the CNC. The terms of reference had been circulated to the Police Committee Chair. The review was expected to be completed by the end of April.

48. Mark Preston explained that Richard Clancy was leading on this work in order to ensure consistency of approach, since he is playing a key role in all other ongoing reviews affecting the MDP at present.

49. The Chair enquired whether it was the intention to address governance arrangements. Richard Clancy confirmed this had already been highlighted. Mark Preston encouraged the committee to identify models of good practice. Sir Keith Povey suggested there were good collaboration arrangements between Bedfordshire and Hertfordshire, and Kent and Essex that might be worth consideration. The Clerk agreed to make contact with the relevant Police Authorities. **Action: Clerk.**

Agenda Item 6: Agency's Risk Register

50. This was the first time the Agency Corporate Risk Register had been tabled at a Police Committee meeting, although routinely appears on the OAB agenda.

51. The Committee enquired about the "Green on Blue" firearms risk, where it was stated that the assurance would be delivered by DBR's work. Mark Preston confirmed that protocols were in place between MPGS and some HDPFs. He also confirmed that armed patrols were not occurring outside the wire. Daniel Applegate's report on the Guarding of MOD Establishments had reported some safety related issues. Although Risk Assessments had now been completed, once the PR11 options were announced we should also consider the role of service personnel undertaking guarding duties.

52. The Chair suggested it would be helpful for the Committee to have sight of the Directorate of Internal Audit's report on the corporate manslaughter risk. Mr Love confirmed the work was ongoing but would obtain a copy the report when it was published so the Committee could consider it. **Action: CCMDP**

Agenda Item 7: Diversity

53. The Equality Act 2010 came into force on 1 Oct 10, and replaced the previous anti-discrimination laws with a single Act. The public sector Equality Duty of the Act will become effective on 6 April 2011. Under the previous equality statutes the MDP was required to maintain and publish its own Equality Scheme and the MDPGA Diversity Action Plan was a key component, but under the new Act, the MDP's legal status has changed so the regulatory, policy and reporting requirements would now be included with the overall MoD. Mr Love explained that he would remain as the Diversity Champion for the Agency and a Diversity Policy post was retained in the re-structured HQ which would have links with the CTLB.

54. Marie Dickie thought that the Committee would still need to consider how it would get its assurance that police diversity interests were being taken care of in the future and to confirm that MDP's presence continued to meet communities' expectations.

55. Susan Scholefield welcomed the Chief Constable's offer of providing the MDP's Support Group Networks leads support to the Departmental Diversity Board. She would be keen to take the Police Committee's advice on best practice and how to embed and achieve the aims of the new legislation.

56. The Chair wanted the Committee to continue to have visibility of the number of women and ethnic minorities being retained in the force at future meetings, especially since there was no opportunity to recruit at present. **Action: CCMDP**

Agenda Item 8: Professional Standards

57. Mr McAuley presented the Professional Standards 3rd Quarter Report.

58. Sir Keith Povey had carried out the PSD audit, which had included a brief on the PSIU work which was moving forward. He also reported that he was pleased with how the MDP Conduct Regulations were being used across the force, as there was clearly more recourse to Management Action.

59. Mr McAuley had decided to use the PSD report to give the Committee visibility of the number of MDP officers arrested. The Committee asked how the number of arrests would compare with other forces in order that they could address proportionality. They also asked whether the force should consider a zero tolerance of domestic violence in common with many other forces, noting that 3 of the reported arrests had resulted in Management Action. The Chair asked Caroline Mitchell and Sir Keith Povey to explore the background to these cases this more fully at the next PSD Audit to ensure the outcome had been appropriate. **Action: DCC, Caroline Mitchell and Sir Keith Povey**

Agenda Item 9: Any other business

60. The Chair raised the matter of the Committee's Association of Police Authorities affiliate membership following a letter received from the APA Chair. It explained that some Police Authorities were considering issuing precautionary notes to the APA before 31 March 2011 in order that they may withdrawn from the Association with effect from 31 March 2012. This was mainly due to the uncertainty about the future of the association and whether the Police Reform Bill would introduce Police and Crime Commissioners in place of Police Authorities.

61. Marie Dickie recognised the advantage of membership, which provides the Committee with information on legislation, the development of the National Crime Agency and other strategic policing developments. Following discussion the Chair agreed to write to the APA confirming that the Committee would withhold its precautionary notice for 12/13 membership until there was more clarity on the future of the APA, on the understanding that there would be a later opportunity to give reduced notice of 3 months. *[Post meeting note: Following information received from the Association of Police Authority Chief Executives' (APACE) we learned that several authorities had decided to give 12 months' written notice to the APA. The Chair has therefore decided it would be appropriate for the MOD Police Committee to issue precautionary notice to terminate membership with effect from 1 Apr*

12. *This will not preclude the committee from joining the successor body to the APA if that would be beneficial for the work of the committee]***Action: Clerk**

Agenda item 10: Date of the next meeting

62. The next meeting is due to be held on Tues 14 June and will take place at Wethersfield with the Annual Strategic Seminar on the same day.

[signed]

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